

RECEIVED
CENTRAL FAX CENTER
FEB 09 2009

In the United States Patent and Trademark Office

Serial No.	10/595,645	§	Filing Date: 11/10/2004
		§	
Title:	INSERTER FOR MINIMALLY INVASIVE JOINT SURGERY	§	Examiner:
		§	
Applicant:	Lechot, André	§	Atty docket no: PUS-P001-043-N

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8. I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, as 4 pages, total,

On 9 February 2009

Typed or printed name of person signing this certificate: Jason Hing

Signature of person signing this certificate: [Signature]

PETITION FOR CORRECTION OF STATUS

Via facsimile to 001-571-273-8300, to:

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

Dear Sir or Madam,

A routine check of the status of the above-mentioned application on PAIR has revealed noticed that the status is noted as "abandoned" even though the petition to withdraw the holding of abandonment was granted on 26 April 2007.

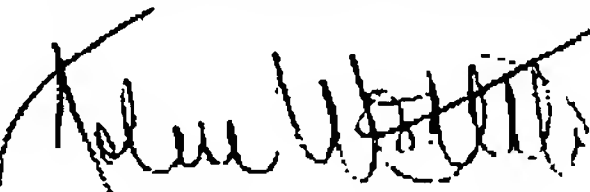
The undersigned requests that the Commissioner corrects the status and ensures that this case is passed on to the examination division for Examination.

As the status error is an error of the Patent Office, it is believed that no petition fee is due. However, if the formalities examiner disagrees, he is authorized to charge the deposit account of Mocteli & Associés SàRL No. 502621 for any petition fee required.

If the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or c-mail at **moeteli@patentinfo.net**.

Date: February 9, 2009

Respectfully submitted,



John MOETELI
U.S. Reg. No. 35,289

Enclosure: - Decision on Petition dated 26 April 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 09 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

26 APR 2007

John Moetteli
MOETTELI & ASSOCIATES SARL
St. Leonhardstrasse 4
ST. Gallen CH-90-00 CH
Switzerland

REGU le

- 3 MAI 2007

Per...

In re Application of
LECHOT *et al*
Application No.: 10/595,645
PCT No.: PCT/IB2004/003676
Int. Filing Date: 10 November 2004
Priority Date: 10 November 2003
Attorney Docket No.: PUS-P001-043-N
For: INSERTER FOR MINIMALLY
INVASIVE JOINT SURGERY

DECISION

This decision is in response to the petition to withdraw the holding of abandonment filed 13 March 2007. No fee is required.

BACKGROUND

On 02 May 2006, applicant filed a transmittal letter (Form PTO-1390) for entry into the national stage in the United States under 35 U.S.C. 371 of international application, PCT/IB2004/003676.

On 05 March 2007, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed because applicants failed to provide the full U.S. Basic National Fee by thirty months pursuant to 37 CFR 1.495(b)(2).

On 13 March 2007, applicant filed the subject response.

DISCUSSION

In order to enter the national stage, applicants must meet the requirements of 37 CFR 1.495, which states, in part:

(a) The applicant in an international application must fulfill the requirements of 35 U.S.C. 371 within the time periods set forth in paragraphs (b) and (c) of this section in order to prevent the abandonment of the international application as to the United States of America. The thirty-month time period set forth in paragraphs (b), (c), (d), (e) and (h) of this section may not be extended . . .

(b) To avoid abandonment of the application, the applicant shall furnish

10/595,645

2

to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

- (2) The basic national fee (see § 1.492(a)).

In this case, the thirty-month time period for PCT/IB2004/003676 expired on 10 May 2006. As such, the national stage papers were timely submitted on 02 May 2006. The Form PTO-1390 transmittal letter signed by Mr. Moetteli authorized the appropriate fees to be charged to Deposit Account No. 50-2621.

A review of USPTO financial records show that there was enough money in Deposit Account No. 50-2621 to pay the appropriate fees and that Mr. Moetteli was authorized to charge fees to this account.

Accordingly, the above-captioned application should not have been abandoned pursuant to 37 CFR 1.495(b)(2).

CONCLUSION

For the reasons above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 05 March 2007 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302